

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Eugene DIVISIONOrlando Johnny McCrae #18466244
(Enter full name of plaintiff)

Plaintiff,

Civil Case No. 6:20-cv-02272-MK
(to be assigned by Clerk's Office)

v.

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)J. A. Miller, R. Dunbar, P. Dodson,
J. L. Ramsey, Sgt. Peterson, [REDACTED]
K. Kneeland, Dep. Hoppe, [REDACTED]
Marion County Sheriff's Office/SA's
T. Hart, Barnhill,

Jury Trial Demanded

☒ Yes☐ No

(Enter full name of ALL defendant(s))

Defendant(s).

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: Orlando J. McCrae #18466244Street Address: 4000 Punville Hwy.City, State & Zip Code: Salem, OR 97317Telephone No.: 503/555-1111

Defendant No. 1 Name: J. A. Miller
Street Address: 4000 Ainsville Hwy
City, State & Zip Code: Salem, OR 97317
Telephone No.: _____

Defendant No. 2 Name: R. Dunbar
Street Address: 4000 Ainsville Hwy
City, State & Zip Code: Salem, OR 97317
Telephone No.: _____

Defendant No. 3 Name: P. Dodson
Street Address: 4000 Ainsville Hwy
City, State & Zip Code: Salem, OR 97317
Telephone No.: (971) 600-3411

Defendant No. 4 Name: J. Ramsey
Street Address: 4000 Ainsville Hwy
City, State & Zip Code: Salem, OR 97317
Telephone No.: (971) 991-8567

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

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- Defendant No. 5 Name: K. Kneeland
Street Address: 4000 Aumsville Hwy.
City, State & Zip Code: Salem, OR 97317
Telephone No.:

- Defendant No. 6 Name: J. Peterson
Street Address: 4000 Aumsville Hwy.
City, State & Zip Code: Salem, OR 97317
Telephone No.: () 576-0911

- Defendant No. 7 Name: T. Hart
Street Address: 4000 Aumsville Hwy.
City, State & Zip Code: Salem, OR 97317
Telephone No.:

- Defendant No. 8 Name: Hope
Street Address: 4000 Aumsville Hwy.
City, State & Zip Code: Salem, OR 97317
Telephone No.:

- Defendant No. 9 Name: Barchill
Street Address: 4000 Aumsville Hwy.
City, State & Zip Code: Salem, OR 97317
Telephone No.:

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

4th, 8th, 14th, 5th Amendments

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

On September 20th, 2020, while housed in General Population, C5, I was re-classed and housed in ^{Administrative} segregation without a hearing. Deputy Brenhill was acting Sgt. who ordered I be housed in seg (D-4) despite the fact that Deputy Tilson acted unprofessionally, hostile and unethically by telling me to "shut the fuck up." I responded "You shut the fuck up bitch. What makes you think you can talk to me that way?" I was written up on a major violation and found guilty later 7 days after during hearing.

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

On September 25th, 2020, I spoke with mental health counselor manager Mrs. Lisa due to being placed on

suicide watch to manipulate my housing situation and the system." She then asked me ~~if~~ ~~if~~ "if I was still feeling suicidal"? I assured her that I was not any longer, and assured her that at the time of me stating I was suicidal, I was experiencing mental and emotional anguish/pain and felt so hopeless

that I had no care to live anymore, not trying to manipulate anyone or anything and didn't understand why I was being punished and criticized/schitized for feeling suicidal?

She then told me that "well, if you're not suicidal, then I will clear you from suicide watch, although the sergeants will be very upset with me, this is my job and the ultimate decision at Mental Health is mine." She also made it very clear that I was on "Mental Health watch for evaluation closely" for another 24 hours or so to assure I did not harm myself and was given the proper attention as a Mental Health Patient/case."

(Not that Dr. Suicide Watch, all you have in your cell is a suicide smock to wear, a suicide smock blanket, and "supposed to have a blanket." But here at Marion County Jail, you get no shower shoes or sandals, which forces you to walk in your cell, to and from and inside the showers/shower, to and from medical, intake, court or any other call-out shoeless. You get no bar soap, nothing besides the smock, smock blanket & maybe the mattress...

Therefore, when you are cleared from suicide watch, you are supposed to have all of your personal property returned, all of which entitles you to humane living conditions. Items included are: (shower shoes/sandals, "Bible", socks, soap, toothbrush and toothpaste, regular 3 wool blankets, mattress, towel, regular clothing (sweat shirt & pants), legal material (paperwork/envelopes/letters from attorney, personal Regular mail/envelopes/postcards, pen, writing paper, toilet paper, Inmate Policy...

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After being cleared from suicide watch at shift change 6:00pm, Sgt. R. Dunbar and Sgt. J. A. Miller ordered that NONE of my property be returned to me and placed on "3 day seg or Sgt. Review" as per policy was wrong and abuse of power because they are ONLY supposed to take/hold/on (confiscate items that an Adult In Custody misuses.... This was done to me as a punishment (caritunusaci) for being suicidal....

The deputy assigned to work that shift was a female (opposite-sex) named Deputy A. Bucholz. Due to this, she is assigned and responsible for conducting 30 minute "wellness checks" on all inmates housed in C-4 "Mental Health Unit." I did not have a smock blanket because Sgt. Miller and several other staff had come and taken my bed and blanket because I had put my mattress up to block the window so I could speak to the Sgt. Mind you, that once again, they took my blanket unjustly because I did not misuse it. This left me with nothing but the smock, I was wearing despite the violation of policy and cold room temperatures.

I then put my smock up to cover the window so that the active Sgt. J. A. Miller had to come ~~outside~~ and speak with me to first try to resolve the issue before calling extraction team to use force and remove blanket to assure my safety. Instead, Sgt. Miller violated policy by immediately bringing "rowdy" extraction team, by no one wearing proper extraction gear, and no cameras being present to assure protocol, procedure and policy were followed professionally by every deputy involved and no unnecessary use of force was used on AIC (Adult In Custody).

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Sgt. Miller stood aside as Deputy T. Hart opened the slot and snatched the smock down and threw the slot. At this point they all walked away and exited the unit without speaking to me. All I felt was humiliation and immolation, I was unclothed with NOTHING in my cell while room temperature was freezing cold and female deputy of opposite sex had to conduct wellness checks on me, viewing my exposed nakedness, violating my right to bodily privacy.

This went on for a 12 hour shift. I covered the cell window (again in an attempt to speak with Sgt.) in fecal matter making it difficult to see in my cell. Again, Sgt. came with team, no gear or camera, I was in cell 201-C4. They opened the slot and threatened to pepper spray me despite my screams of being autistic. So I submitted to restraints.

At this point they pulled me out of cell to have me stand naked and exposed to female deputy Bucholtz who stood not even 4 feet away from me observing me, also exposed to the viewing of other inmates on the tier observing.

Deputies T. Hart and Deputy Friewer and Reichweger unnecessarily used Excessive Force throwing/wrestling me to the ground on my stomach and forcefully pushing my arms up towards the ceiling hurting my wrist as they did this by the hard cuffs and injuring my already hurt shoulder from car crash and police brutality earlier that month, (Car crash December 2019).

Eventually after unit orderly had cleaned cell, I was placed back in cell still naked and deprived of liberty, but with no further incidents.

All of this can be viewed on unit Microsoft recording cameras.

CLAIM 4

On October 5th while housed on C-4-203^{cell} or 204, Deputy Barnhill was acting Sgt. (on Officer in Charge), Deputy Hoppe was assigned to work unit C-4. I wanted to speak to Deputy Hoppe ~~and~~ because I had not gotten my dinner, it was denied to me by 1st shift sgt. Dodson and Dunbar... Immediately after I informed Deputy Hoppe of this, he became agitated/upset and raised his voice hostilely saying "I am tired of your shit, I am calling the acting Sgt. to have you re-housed in intake." I then told deputy that I had done nothing to be in intake so if he wishes me for nothing I will pop cell sprinklers...

Deputy Barnhill later enters unit (around 7:30 - 8:00 PM) I can overhear Dep. Hoppe stating the reason he was requesting I be removed was because of my threats to pop sprinkler head. This was untrue/fake so I attempted to speak with Barnhill who (without speaking to me or trying to first resolve issue) immediately got on the unit phone to see if there was space (empty cell) in intake and if back-up could come assist in removing me. Per policy without due process this was not supposed to be 1st course of action.

Dep. Barnhill and Dep. Hoppe then approached cell, opened tray slot and Hoppe gave me a direct order or he would pepper spray me. I stated that I only wanted to first speak w/ Barnhill and I was asthmatic so it would jeopardize my well-being if he sprayed me w/ it. He hostilely and loudly said "I don't give a fuck cut up before I light your ass up." And began talking for opening to spray inside my cell... I became fearful so I placed my blanket against tray slot so that there was no opening.

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Deputy Hoppe then opened closet like room with controls to the cell toilet and water functioning to attempt to spray me through the vent; I covered the vent with my mattress. So then Dep. Hoppe exited room to pull blanket through the tray slot, Barnhill assisted with this. Once Dep. Hoppe saw opening he attempted to spray again, so I placed my lower back against tray slot and hunched over so he can't see me, submitting to restraints.

Instead of restraining me, Deputy Hoppe decided to punch me in my lower back with closed fist blows 4 or 5 times. Neither at any time did Acting Sgt. Barnhill inform his counterpart to stop, or attempt to resolve issue.

Shortly after (maybe 1 minute) Deputy Barnhill handcuffed me and transported me to intake unit with no further incidents. Once again I was placed on "Everything Restriction" and left with nothing in my cell but the clothes on my back for 24 hours.

This was use of Excessive Force & Denial of Due Process and Cruel & Unusual Punishment.

CLAIM 5

On October 6th, 2020, while housed in intake unit cell 5, I was maliciously denied another dinner, @ staff claimed this was due to "misbehavior". These staff members were Deputy McIn, Deputy Cuevas, etc. I informed the next shift Deputy Barton, Mr. Tison, Mr. Howell and Mr. Herrington. They claimed to not believe me, denying me a tray as well. I then asked for toilet paper so I could use the bathroom and was denied, so I smeared the feces all over the door window and myself... making it impossible to see in my cell....

Sgt Peterson was the acting Sgt. on this night. (6pm to 6 am shift), him and "country" extraction team reported to intake unit with no extraction gear or camera present. Sgt Peterson gave direct order to uncover cell window and submit to extrajoints or force will be used to remove me. He threatened to spray me, I screamed that I was asthmatic so I can't get sprayed, all I wanted was my dinner. Deputy Tison then sprayed me from inside (hiding) the cell vent system for atleast 3 to 4 seconds, then Sgt Peterson opened tray slot and sprayed me. I began choking, coughing, having asthma attack due to difficulty breathing and yelled as best I could that "I will cut up". I was then pulled and moved into the neighboring cell (4) soaked in 0°C spray. They then taped me on my stomach and cut my regular clothing off (shirt, pants and toilet socks) exposing my naked body for no reason, 4 staff piled on my body telling me to stop resisting when it was obvious I wasn't and couldn't due to over 600 pounds being piled on my torso and legs...

After about 10 minutes, the female nurse came

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to check my vitals, viewing my exposed genitals violating my Right to Bodily Privacy, especially from the opposite-sex...

Staff then got a wet Rag, and half-way wiped one side of my face claiming to "decontaminate me". And exited my cell only leaving ~~there~~ a suicide smock for me to wear.

I was not given a shower until that Saturday (At this point it was Monday Oct. 6th 2020) October 11th. When deputies felt I had "calmed" it due to good behavior.

I had not had a blanket bedding, shower shoes or any property during this time period nor any soap, towel or chance to decontaminate. I'd had staff write grievances for me referring to this due to per restriction, all that have disappeared and been denied to me.

CLAIM 6

I have been retaliated against for exercising my right to grieve and provide (seek refuge) through legal proceedings against the Marion County Jail personnel.

Actions taken against me such as taking and holding all of my property, denying me access to the courts by not letting me write letters to my attorney, my judge at the courts. I was denied several attorney visits. The attorney visits denied on the so-called grounds of "security level" though I was only on ad-seg status and had been entire time in county while given other visits from attorney and private investigator.

My incoming attorney mail was held from me and opened outside of my presence. Withholding of property, discrimination & retaliation all of which has been eye-witnessed by attorney John Peterson and Ken (Private Investigator).

Attorney Patrick J. Porter & P.I. visits were all done in front of B-164 segregation cell directly under intercom speakers that FSA (Facility Security Assistant Officers) who work in unit tower listen in on speakers to assure inmates are safe, not harming themselves, sometimes listen while inmates have disputes or altercations w/ staff so FSA officers could be named & listed as witnesses in disciplinary and hearing proceedings. All of this, plus inmates being within feet of us, often chiming in and yelling, banging & interrupting entire visit violating my right to client/counsel/doctor confidentiality. See exhibits of grievance and contradicting Disciplinary Report and Hearing findings of facts.

I've been retaliated against by being denied showers and decontamination for 3 days in covered area matter as well as walk ceiling and toilet/sink. While time the staff continued to serve me meals (7 total) while in unsanitary cell. No cell sanitation, this was denied to me as well.

I've been retaliated against by being lied on in order for Deputies to press false charges against me claiming I threw urine on deputy though they knew it was water... Grand jury found me innocent due to insufficient evidence and Hearsay. Staff later in grievances blatantly lied claiming charges were never filed by D.A. (though it was).

Staff constantly falsified reports to seem as if I'd thrown "Unknown substance" only to later claim it was food.

Sgt. Duxon & Sgt. Dodson and J.P. Miller all went down to food service and retaliated against me by directing/instructing food manager and personnel (labeled what and what not to put on my trays provoking me and denying me equality.

CLAIM 7

I was denied proper and adequate medical attention. November 12th I caught an infection on my appendage (genitals) due to my genitals touching unsanitized contaminated toilet bowl water that deputies refused to have orderlies clean in over 2 months. Despite my many requests.

I swallowed a Rubber Spork November 1st, and was not taken to hospital because Sgts. claimed they thought I was "trying to escape". So I'd had blood in my throw up and bile movements for 3 days, then 7 entire days with no bile movements at all. Staff made comment of not believing me multiple times in order to justify not giving me medical attention.

I had been on suicide watch, given foam trays and paper spoons per policy to prevent self harm. I told staff that I was going to swallow the Rubber Spork as soon as I'd gotten one, (Deputy T. Hart) and asked him what would happen due to the fact I'd already swallowed the Breakfast "inner" paper spoon. He said "well, you'll probably shit funny" and served me a regular tray with regular Spork despite me making suicidal statements of swallowing one. This occurred November 1st.

CLAIM 8

On 10-29-20 at 22:00 pm, and 10-30-20 at 0:22 am I was extracted from my cell "cow boy" style by Sgt. Peterson (conspicuous), amongst other staff (see Exhibit C). No staff followed policy, protocol & protocol by wearing extraction gear and having camera present. I was punched by multiple guards, and Sgt. Peterson placed force directly over my heart threatening "death" to me.

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AFTER Restraining me in handcuffs, I was placed in Emergency Restraint chair from 12:44am until 5:36am. (View T-146 Unit Camera as well as 21494)

AFTER I filed my original grievance on this issue 10-31-20 (Deputy Allen wrote/transcribed it for me due to being on pen restriction). I was approached at my cell by Sgt. Dunbar asking me "Are you done yet? Because it's only going to get more painful and you're only going to make it worse on yourself." I asked him what he was referring to. He held up grievance #0928 (Exhibit C) and said "make it go away". So I was coerced/intimidated under duress to change my story and claim that I did not get assaulted/threatened later on due to fear of further Retaliation. View unit cameras (by)

CLAIM 9

November 8th I was informed by (AIC) Joshua Villagar and Pedro Siquera SR. (Housed in 21494) that Deputy K. Kneeland was at the staff desk in 21494 3 when inmate Siquera approached desk during the dayroom. Siquera observed that Kneeland had a stack of disciplinary write-ups, warning reports, incident reports, and asked what they were for. Deputy Kneeland then stated they were for Inmate Orlando McGee, he was preparing them to send to D.A. so he could effect my sentencing. Because I was a psycho, a rapist, sex offender, dangerous, thief and deserved to be put away for a long time." (See Exhibit A Declaration handwritten by AIC Pedro Siquera and attached grievances)

Deputy Kneeland lied about incidents despite burden of proof by Siquera's admission and camera view.

Deputy Kneeland continuously retaliated against me, assassinated my character to other inmates, threatening my safety and jeopardizing my life.

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Deputy Kneeland also stated on the day of my trial that he would personally tell the D.A. and judge how much of a problem I was in order for them to consider denying sentencing. Threatening my right to a fair trial proceeding.

Kneeland denied me meals, threw meals into floor, found unjust reasons to put me on restrictions, manipulated and altered my meals in order to punish me maliciously and cruelly. Use Excessive force handcuffing and shackling me and tried to have judge set trial rule for me to be fully chained and shackled to affect my image to the jury, once again interfering with my court proceedings to manipulate the judge, jury and D.A. into being unfair in trial and sentencing proceedings. This was all unethical and unprofessional. Eye witnessed by deputies, Coleman, Mr. McDaniels and Det. Anderson.

CLAIM 10

I was placed on Soybean/Tofu product allergy diet. Meaning I was NOT supposed to be served any product of that making/kind. This was approved by Dr. Luby and medical. See Speedy medical records & Grievances. (Exhibit D) This was finalized 12-4-20 on Friday. Despite this and me being denied milk due to being on milk restriction, Sunday 12-6-20 for breakfast I was served Soybean milk and breakfast tray with Soybean/Tofu meat product. Causing me an allergic reaction (bloody in my diarrhea) Eye witnessed by Staff Deputy C. Anderson. Later it was discussed by me solely to testimony by AIC Kitchen personnel that Sgt. Walter & J.A. Miller personally instructed Kitchen staff to do so. jeopardizing

my safety/well-being...

One again, in retaliation to grievances and exercising my right to take legal action, I was approached and threatened retaliation and continuance of being discriminated against by them serving me vegetarian trays, denying me coffee, scopes etc as other inmates received. They claimed this was all due to regular trays having Tofu product, although in grievance responses by kitchen staff and managers stated clearly and broadly "We do NOT serve TOFU product". Contradicting the Sgt. - Untruthful justification for discriminating/retaliating against me and treating me unfairly & unequally -

"mental Health Evaluation" because of my "suicide watch" status. I was on this status because I'd made suicidal statements and to follow procedure/policy to prevent me from harming myself, I was on suicide watch 15 min. wellness checks. Ms. Lisa told me during conversation that the Sgt. (G. Miller/R. Dunbar) had called and told her "not to clear me from suicide watch because I was not really suicidal but was only using

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Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

I was kept on restrictions of everything from basically September until they felt I'd "behaved enough" November 12th. I was made to "earn" my so-called "privileges" back over a month period. Even placed on fingerboards, but was forced to put my hands out or they shot palms up so staff can place meal into my outstretched hands off of tray. Despite my grievances (that had to be filled out by numerous deputies due to per restriction) my bible, attorney letters (and multiple attorney visits) and personal mail were delivered to me.

(If you have additional claims, describe them on another piece of paper, using the same outline.)